



LEGISLATURE OF THE STATE OF IDAHO



Sixty-fifth Legislature

First Regular Session - 2019

IN THE _____

BILL NO. _____

BY _____

AN ACT

1 RELATING TO THE IDAHO POTATO COMMISSION; AMENDING SECTION 22-1202, IDAHO
 2 CODE, TO PROVIDE THAT MEMBERS OF THE IDAHO POTATO COMMISSION SHALL
 3 SERVE AT THE PLEASURE OF THE GOVERNOR, TO REVISE PROVISIONS RELATING
 4 TO DISTRICTS, TO REMOVE CERTAIN MEETING PROVISIONS, TO PROVIDE FOR
 5 RULEMAKING, AND TO REVISE TERM OF OFFICE PROVISIONS; AMENDING SECTION
 6 22-1204, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING CHAPTER 12, TITLE
 7 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-1204A, IDAHO CODE,
 8 TO PROVIDE FOR THE DESIGNATION OF VOTING REPRESENTATIVES AND TO PROVIDE
 9 THAT DESIGNATED REPRESENTATIVES MAY VOTE ON ONLY ONE BALLOT IN ANY ELEC-
 10 TION; AND DECLARING AN EMERGENCY.
 11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section 22-1202, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 22-1202. POTATO COMMISSION CREATED. There is hereby created and es-
 16 tablished in the department of self-governing agencies the "Idaho potato
 17 commission" to be composed of nine (9) practical potato persons, resident
 18 citizens of the state of Idaho for a period of three (3) years prior to their
 19 appointment, each of whom has had active experience in growing, or shipping,
 20 or processing of potatoes produced in the state of Idaho. At least five (5)
 21 members of said commission shall be growers who are actually now engaged in
 22 the production of potatoes. Two (2) of the members shall be shippers who
 23 are actually now engaged in the shipping of potatoes, and two (2) of the
 24 members shall be processors who are actually now engaged in the processing
 25 of potatoes. The qualifications for members of said commission as above
 26 required shall continue throughout their respective terms of office, and
 27 members shall serve at the pleasure of the governor. Three (3) growers shall
 28 be nominated for each grower vacancy that occurs, from which the governor
 29 shall appoint one (1). Two (2) grower commissioners shall be appointed from
 30 the district known as District No. 1, consisting of the counties of Oneida,
 31 Franklin, Bear Lake, Caribou, Bannock, Power, Bingham, Bonneville, Teton,
 32 Madison, Jefferson, Fremont, Clark, and Butte, ~~Custer, and Lemhi~~; one (1)
 33 grower commissioner shall be appointed from the district known as District
 34 No. 2A, consisting of the counties of Twin Falls, Jerome, Lincoln, Camas,
 35 Elmore, Boise, Valley, and Gooding; one (1) grower commissioner shall be
 36 appointed from the district known as District No. 2B, consisting of the
 37 counties of Cassia, Minidoka, Blaine, Custer, and Lemhi; and one (1) grower
 38 commissioner shall be appointed from the district known as District No. 3,
 39 consisting of the counties of Owyhee, Ada, Canyon, Gem, Payette, Washing-
 40 ton, Adams, Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone,
 41 Kootenai, Bonner, and Boundary. Three (3) shippers shall be nominated for
 42 each shipper vacancy that occurs, from which the governor shall appoint one

1 (1). Shipper commissioners do not necessarily need to be nominated from geo-
 2 graphical areas. Three (3) processors shall be nominated for each processor
 3 vacancy that occurs, from which the governor shall appoint one (1). Proces-
 4 sor commissioners do not necessarily need to be nominated from geographical
 5 areas. Nominations must be made thirty (30) days prior to appointment. All
 6 nominations must give equal consideration to all who are eligible for ap-
 7 pointment as defined in this act. ~~The Idaho potato commission shall hold~~
 8 ~~separate meetings of the growers, shippers, or processors, as the nomina-~~
 9 ~~tions to be made shall require, in the various districts, to determine who~~
 10 ~~shall be nominated for appointment. Notice of said meetings shall be given~~
 11 ~~by publication in one (1) newspaper published in each county of the district~~
 12 ~~or districts in which said nominations are to be made, and the notice shall be~~
 13 ~~published in two (2) issues of each newspaper, the first to be approximately~~
 14 ~~thirty (30) days and the second approximately ten (10) days before said meet-~~
 15 ~~ing. The notice shall state the purpose, time and place of said meeting. All~~
 16 ~~meetings held for the selection of nominees shall be held prior to March 31 of~~
 17 ~~the year the appointment or appointments are to be made. The commission shall~~
 18 ~~adopt rules for nominating commissioners to serve on the commission.~~

19 The term of office shall be three (3) years and no commissioner shall
 20 serve more than two (2) consecutive terms. The commissioners shall elect a
 21 chairman for a term of one (1) year.

22 Vacancies shall be filled as terms expire. Each of such commissioners
 23 shall hold office until his successor has been appointed and qualified. The
 24 term of office shall commence on September 15 of the year of appointment and
 25 expire on ~~September 14~~ August 31 of the last year of the term of office.

26 A majority of the members of said commission shall constitute a quorum
 27 for the transaction of all business and the carrying out of the duties of said
 28 commission. Before entering on the discharge of their duties as members of
 29 said commission, each member shall take and subscribe to the oath of office
 30 prescribed for state officers.

31 Each member of the commission shall be compensated as provided by sec-
 32 tion 59-509(j), Idaho Code, provided however, that compensation paid to mem-
 33 bers of the commission from and after April 1, 1992, shall not be considered
 34 salary as defined in section 59-1302(31), Idaho Code.

35 SECTION 2. That Section 22-1204, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 22-1204. DEFINITIONS. As used in this act:

38 1. The term "commission" means the Idaho potato commission.

39 2. The term "person" means individual, partnership, corporation, asso-
 40 ciation, grower and/or any other business unit.

41 3. The term "potatoes" means and includes only potatoes sold or in-
 42 tended for human consumption and grown in the state of Idaho.

43 4. "Shipment" of potatoes shall be deemed to take place when the pota-
 44 toes are loaded within the state of Idaho, in a car, bulk, truck or other con-
 45 veyance in which the potatoes are to be transported for sale or otherwise.

46 5. The term "dealer" means and includes any person engaged in the busi-
 47 ness of buying, receiving, processing, or selling potatoes for profit or re-
 48 muneratation.

1 6. The term "shipper" means and includes one who is properly licensed
2 under federal and state laws and actively engaged in the packing and ship-
3 ping of potatoes in the primary channel of trade in interstate commerce in
4 the state of Idaho, and who ships more than he produces.

5 7. The term "grower" means one who ~~is actively engaged in the production~~
6 ~~of farm products, primarily potatoes, and who is not engaged in the shipping~~
7 ~~or processing of potatoes:~~

- 8 (a) Is actively engaged in the production of potatoes in the state of
9 Idaho and derives a substantial portion of his income therefrom;
10 (b) Is not primarily engaged in the shipping or processing of potatoes;
11 (c) Grows potatoes on five (5) or more acres; and
12 (d) Has been actively engaged in growing potatoes in the state of Idaho
13 for a period of at least three (3) years prior to nomination and has paid
14 assessments to the commission on potatoes in each of the preceding three
15 (3) calendar years.

16 8. Potatoes shall be deemed to be delivered into the primary channel of
17 trade when any such potatoes are sold or delivered for shipment, or delivered
18 for canning and/or processing into by-products.

19 9. The term "hundredweight" means each one hundred (100) pound unit or
20 combination of packages making a one hundred (100) pound unit of any shipment
21 of potatoes based on invoice and/or bill of lading records.

22 10. The term "processor" means a person who is actively engaged in the
23 processing of potatoes in Idaho for human consumption and transacting busi-
24 ness in the state of Idaho.

25 11. The term "processing" means changing the form of potatoes from the
26 raw or natural state into a product for human consumption.

27 12. The term "handler" means and includes any person processing pota-
28 toes or handling them in the primary channel of trade.

29 13. The term "tax" means an assessment levied on potatoes covered by
30 this act for the sole purpose of financing, on behalf of the potato industry
31 in Idaho, the commission's activities in carrying out the purposes of this
32 act.

33 SECTION 3. That Chapter 12, Title 22, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 22-1204A, Idaho Code, and to read as follows:

36 22-1204A. DESIGNATION OF VOTING REPRESENTATIVES -- VOTING. (1) Each
37 grower entity shall designate annually its voting representative to the com-
38 mission for commissioner nominations. Designated representatives may vote
39 on only one (1) ballot in any election.

40 (2) Each shipper entity shall designate annually its voting represen-
41 tative to the commission for commissioner nominations. Designated repre-
42 sentatives may vote on only one (1) ballot in any election.

43 (3) Each processor entity shall designate annually its voting repre-
44 sentative to the commission for commissioner nominations. Designated rep-
45 resentatives may vote on only one (1) ballot in any election.

46 SECTION 4. An emergency existing therefor, which emergency is hereby
47 declared to exist, this act shall be in full force and effect on and after its
48 passage and approval.